

AO 441 (Rev. 12/09) Summons on Third-Party Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of New York

RICK HARRISON, et al.

*Plaintiff*

v.

HSBC BANK USA, N.A.

*Defendant, Third-party plaintiff*

v.

SEA PORTS CORPORATION, et al.

*Third-party defendant*

Civil Action No. 1:13-cv-03127 (AT)

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* EL NILEN INDUSTRIAL DEVELOPMENT BANK - SUDAN  
P.O. Box 4661722  
United Nations Square  
Khartoum, Sudan  
(See Rider A for list of additional Third-party defendants)

A lawsuit has been filed against defendant HSBC Bank USA, N.A., who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Rick Harrison, et al.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

PHILLIPS LYTTLE LLP, Attn: Sean C. McPhee, 125 Main Street, Buffalo, New York 14203

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:  
HALL, LAMB & HALL, P.A., Attn: Andrew C. Hall, 2665 South Bayshore Drive, Miami, Florida 33133; and  
FRANKFURT KURNIT KLEIN & SELZ, Attn: Edward H. Rosenthal, 488 Madison Avenue, 10th Floor, New York, New York 10022

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: 8/4/14

CLERK OF COURT

s/Joey Roldan

*Signature of Clerk or Deputy Clerk*



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**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**RIDER A**

**LIST OF THIRD-PARTY DEFENDANTS AND ADDRESSES**

**Sea Ports Corporation**

P.O. Box 2534  
Khartoum, Sudan

**British Arab Commercial Bank, Plc**

8-10 Mansion House Place  
London EC4N 8BJ  
United Kingdom

**El Nilen Industrial Development Bank - Sudan**

P.O. Box 466/1722  
United Nations Square  
Khartoum, Sudan

**El Nilen Industrial Development Bank**

P.O. Box 6013  
Abu Dhabi City, United Arab Emirates

**HSBC Bank Middle East**

P.O. Box 66  
Dubai, United Arab Emirates

**Societe Generale**

245 Park Avenue  
New York, New York 10167

**United Arab Bank**

P.O. Box 3562  
Gibca Building  
Khalifa Street  
Abu Dhabi, United Arab Emirates

**China CAMC Engineering Co., Ltd.**

CEC Plaza, No. 3  
Danling Street  
Haidian District of Beijing, China

**WNPOC Ltd. – Multiconsult Ltd.**

P.O. Box 8204  
President J. Kennedy Street  
Port Louis, Mauritius

**Qatar National Bank**

P.O. Box 1002  
Corniche Road  
Doha, Qatar

**HSBC Bank plc**

8 Canada Square  
Canary Wharf  
London E145HQ, United Kingdom

**The Hong Kong and Shanghai  
Banking Corporation, Ltd.**

Place D'Armes, Chausse Street  
Port Louis, Mauritius

**Greater Nile Petroleum  
Operating Company Limited**

Block No. 4, Plot No. 91  
GNPOC Tower  
P.O. Box 12527  
Al Mugran District  
Khartoum, Sudan

**RIDER B**

**BACKGROUND OF PROCEEDING**

The Respondent/Garnishee who, as Stakeholder/Third-Party Petitioner, is making claims against you in the attached Third-Party Petition is HSBC Bank USA, N.A. (“HBUS”).

The Petitioners who commenced this lawsuit are Rick Harrison and others (the “Petitioners”), all of whom have a judgment against the Republic of Sudan (“Sudan”). Their lawsuit was commenced by filing with the Court a document entitled “Omnibus Petition for Turnover Order”, which was subsequently amended by filing with the Court a document entitled “First Amended Omnibus Petition for Turnover Order” (the printed portion of the third-party summons refers to this document as a “complaint”). In this lawsuit, the Petitioners ask the Court to enter an order directing HBUS and other respondents/garnishees to turn over to the Petitioners certain funds that that respondents/garnishees are holding in blocked accounts. The funds in those accounts represent the proceeds of wire transfers that were blocked under sanctions imposed by the United States government against Sudan.

Despite what the printed portion of the third-party summons says, HBUS is not making a claim against you for the payment of money. HBUS is bringing this Third-Party Petition against you only so that you have the opportunity (i) to make a claim to some or all of the funds being held in one of the blocked accounts, if you have a basis for such a claim, or (ii) to oppose the turnover of such funds to the Petitioners or any other party if you have a sufficient interest in the funds to permit you to oppose any such turnover. The relief that HBUS is seeking in this lawsuit, described more fully in the attached Third-Party Petition, consists mainly of a discharge releasing it from any present or future liability as to the blocked accounts at issue.

Although the printed portion of the third-party summons correctly states that you are not required to respond to the Petitioner’s First Amended Omnibus Petition for Turnover Order, you are required to respond to the Third-Party Petition if you want to assert a claim to any one or more of the blocked accounts at issue. You will otherwise waive your right to object to the turnover of the blocked fund to the Petitioners or to argue that you are entitled to such funds.

If you are a foreign state, a political subdivision thereof, or any agency or instrumentality of a foreign state, then under Section 1608(d) of the Foreign Sovereign Immunity Act of 1976, 28 U.S.C. § 1608(d) (the “FSIA”), you have 60 days from the time the Third-Party Petition was served on you under Section 1608 of the FSIA to file your answer to the Third-Party Petition. That 60-day period applies even though a shorter period may be referred to in the printed portion of the third-party summons.